United Nations CCPR/C/MDA/3

International Covenant on Civil and Political Rights

Distr.: General
17 March 2016

Original: English
English, French and Spanish only

Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure

Third periodic reports of States parties due in 2013

Republic of Moldova*

[Date received: 6 January 2016]

* The present document is being issued without formal editing.

GE.16-04119(E)

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Contents

		Page
I.	Introduction	3
II.	General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant	3
III.	Follow-up to previous recommendations and the State party's response thereto	5
IV.	Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to additional previous recommendations	14
	A. Constitutional and legal framework within which the Covenant is implemented (art. 2)	17
	B. Non-discrimination and equal rights of men and women (art. 2, para. 1, 3 and 26)	18
	C. Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of a person, and treatment of persons deprived of their liberty (art. 7, 9, 10, 12 and 13)	21
	D. Elimination of slavery and servitude (art. 8)	25
	E. The right to a fair trial (art. 14)	28
	F. Freedom of religion and belief (art. 18)	32
	G. Freedom of opinion and expression (art. 19)	32
	H. Freedom of circulation, marriage, family and measures for the protection of the minors (arts. 12, 23 and 24)	33

I. Introduction

1. Pursuant to provisions of article 40 of the International Covenant on Civil and Political Rights and the List of issues prior to the submission of the third periodic report of the Republic of Moldova (CCPR/C/MDA/3), this Report covers actions undertaken by the Republic of Moldova in implementation of the Covenant and progress made over the period October 2009 to September 2013.

2. This Report was developed by the Ministry of Justice, with the participation of representatives from relevant institutions in the inter-ministerial consultation process. The Draft Report was published on the website of the Ministry of Justice (MoJ) whereby the civil society was given an opportunity to submit observations and opinions regarding the proposed text.

3. According to national legislation, the third periodic report was approved by the National Commission for Initial and Periodic Reports on the implementation of international covenants to which the Republic of Moldova is a State Party (date).

II. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

4. The most relevant progress during the reporting period was the adoption of the second National Human Rights Action Plan (NHRAP) for 2011-2014, approved by the Parliament Decision No. 90 of May 12, 2011.

5. This is an efficient tool for systematic implementation of human rights in coherence with the previous Action Plan and with a focus on the accession to international human rights instruments; adjustment of the national legislation to international standards; ensuring free access to justice; the improvement of national mechanisms of human rights protection; protection of political, civil, economic, social and cultural rights; protection of national minorities and ethnic groups, as well as vulnerable groups; and advancing human rights training and education.

6. At the international level, the Republic of Moldova is strongly engaged in the Universal Periodic Review exercise, which has significantly contribute to the promotion of human rights developments and positive impact on the ground. The UPR exercise has generated, at the national level, the amendment of the NHRAP on the basis of all the UPR recommendations received.

7. On 27 December 2012, the Parliament adopted the amended version of the NHRAP, which was completed with new chapters such as: 1) Preventing and combating discrimination; 2) Freedom of thought, conscience and religion; 3) Rights of stateless persons, migrants, refugees and asylum seekers. The amended version of the NHRAP represents an overview of the current situation on human rights, highlighting challenges and solutions for overcoming them.

8. In the reporting period, Republic of Moldova ratified several international and regional instruments in the area of human rights, among which:

(a) The Convention on the Status of Stateless Persons (Law No. 275 of 27.12.2011);

(b) The Convention on the Reduction of Statelessness (Law No. 252 of 08.12.2011);

(c) Statute of the International Criminal Court, in force since January 1, 2011 (Law No. 212 of 09.09.2010);

(d) The UN Convention on the Rights of Persons with Disabilities (Law No. 166 of 09.07.2010);

(e) The Council of Europe Convention on the Cybercrime (Law No. 6 of February 2, 2009);

(f) Law on a Declaration under article 14 of the UN Convention on the Elimination of All Forms of Racial Discrimination (Law No. 311 of 26.12.2012). Through this declaration, the Republic of Moldova recognizes the competence of the UN Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals being under the jurisdiction of the Republic of Moldova and alledging to be victims of a violation of rights under the convention from the part of the authorities of the Republic of Moldova;

(g) The Additional Protocol to the Convention of the Council of Europe on the protection of individuals from the automatic processing of the personal data, regarding supervisory authorities and trans-border data flows;

(h) The Additional Protocol to the European Convention on the human rights and biomedicine regarding the genetic tests for medical purposes (Law No. 271 of 30.11.2012);

(i) The Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Law No. 263 of 19.12.2011).

9. In order to strengthen the anti-discrimination legislation and practice, after extensive debates, on May 25 2012 the Parliament adopted the Law No. 121 on ensuring equality. It entered into force on January 1, 2013. On December 21, 2012 the Parliament adopted the Law on the activity of the Council on Prevention and Combating Discrimination and Ensuring Equality. Additionally, amendments to related legislation such as the Criminal Code, Contravention Code, Law on public service, etc. were adopted.. Subsequently, a special parliamentary commission, created in November 2012, organized the public contest for the selection of candidates for membership to the Anti-discrimination Council. The selection procedure of the 5 members of the Council was closed in June 2013, it becoming functional.

10. The reform of the justice sector is carried out in accordance with the Strategy for Justice Sector reform 2011-2016. The Strategy represents the main programmatic and policy document in the area of sustainable development of the justice sector and the judicial system. The document is divided in seven pillars, one of which aims to ensure respect for human rights in the justice sector. The Strategy is accompanied by the Action Plan for the implementation of the Strategy for the Justice Sector Reform for 2011-2016, approved on February 16, 2012. The action plan transforms the strategy into an applicable instrument, with clear targets and indicators.

11. Since the previous report, the MoJ created a banner "Implementation of the International Covenant on civil and political rights" on its website, where the Covenant's content, the second periodic report and the concluding observations of the Committee were placed.

12. On 15 February 2010, the National Commission for the development of initial and periodic reports on the implementation of international conventions decided to elaborate an Action Plan on the implementation of the Committee's recommendations. The MoJ, in its capacity as national authority responsible for the coordination and elaboration of the reports concerning the implementation of the ICCPR, has started an ample process to design such a document.

13. The Action Plan generally envisions the full and consistent implementation of all the Committee's recommendations and the active involvement of the national authorities responsible for the implementation of the Covenant, with the following specific objectives:

- Adjusting the legal framework for preventing and combating the discrimination

- Ensuring the right to freedom of association
- Establishing a functional mechanism of application and invocation before the courts of law of the provisions of the Covenant
- Strengthening the National Mechanism for the Prevention of torture (NPM) and ensuring the independence and efficiency of the Ombudsman institution
- Investigation of the April 2009 events
- Improving the detention conditions and the quality of healthcare services granted to the detainees
- Review of the legal framework in order to eliminate the discriminatory provisions related to HIV/AIDS. Increasing the awareness on HIV/AIDS
- Strengthening the implementation of laws and policies on trafficking in human beings
- Strengthening the legal and policy framework in order to ensure gender equality
- Elimination of all forms of discrimination against Roma people
- Preventing and combating domestic violence
- Effective training of professionals involved in the juvenile justice system.

III. Follow-up to previous recommendations and the State party's response thereto

14. On 15 April 2010, through the disposal of the Prime Minister a special Commission was created in order to identify the civilians and policemen who have suffered from the events of April 7, 2009, for the coordination and development of necessary actions to help them. The Commission was presided by the MoJ and included representatives of the State Chancellery; Ministry of Labour, Social Protection and Family (MLSPF); Ministry of Interior (MoI); Ministry of Health (MoH); Ministry of Education; Ministry of Finance and NGO "Institute of Human Rights of Moldova".

15. In order to identify the victims of the events of April 7, 2009, the Commission launched a public appeal to the civilians and police officers who had suffered from the events to submit written requests for examination to the Commission, accompanied by documentary evidence, not later than June 1, 2010 in order to benefit, proportionally to the damage caused, of financial facilities and compensations, and, depending on the case, of other rehabilitation measures.

16. After having reviewed the information collected, on 15 September 2010 the Commission submitted to the Cabinet of Ministers for consideration a set of actions, in particular referring to the allocation of compensations, providing necessary medical assistance, allocation of special study scholarships, assistance for the removal of restrictions on circulation abroad, allocation of adequate space for the implementation of a psychological rehabilitation project, the organization of sanatorium rehabilitation services for civilians and police officers who have suffered from the events of April 7, 2009.

17. As a result, the Ministry of Finance allocated, from the reserve fund of the Government, financial means in the amount of 222,7 thousand lei being distributed as follows (GD No. 956 of 22.10.2010):

- To the MLSPF – 144.2 thousand Lei, including 74,2 for the organization of sanatorium rehabilitation services and 70 thousand Lei for granting of the unique allowance, in the amount of 5000 lei, to the civilians who have suffered from the events of April 2009 (14 people)

- To the Ministry of Education – 52 thousand lei for unique financial support to Mr. Damian Hincu, for repeating the year of study in France, who failed because of the events of April
- To the MoI – 26,5 thousand lei for the organization of sanatorium rehabilitation services for the police enforcement agents who suffered from the events of April 2009 (5 people).

18. Based on the Government Decision No. 67 of 2 February 2012, the Commission for the identification of the civilians the and law enforcement agents who have suffered from the events of April 7, 2009 and recovery of damage caused to them, restarted its activity and will operate on a permanent basis, until the identification and compensation of all those who suffered from the events of April 2009. In this context, those concerned may submit requests to both the Secretariat of the Commission and in the premises of 2 NGOs, whose representatives are part of the Commission – the Institute of Human Rights of Moldova and the Center for Rehabilitation of Victims of torture "Memoria". For further informing the wider society, the Commission publicly encouraged potential beneficiaries to submit written requests to the Commission (broadcasted by relevant institutions and mass media about 50 times).

19. For transparency purposes, a separate menu was created on the MoJ webpage, which informs on the competence of the Commission, the documents needed for being recognized as a victim of the April 2009 events, the guide for filling the request, and the contact details of the Commission.

20. The Commission convened in five meetings: 8 February, 24 February, 5 March, 14 March and 21 March 2012, where the following information was examined:

- The Division Government Agent of the MoJ presented a report on the requests of civilians and law enforcement agents who have suffered from the events of April 7, 2009, communicated to the Government of Moldova by the European Court of Human Rights
- The Department of Penitentiary Institutions presented information on persons who have been detained under arrest in the Penitentiary No. 13-Chisinau suspected of having committed offenses under the Article 285 of the Criminal Code of RM "Mass disorder" and Article 187 "Robbery" of the Criminal Code during the protests on April 7, 2009
- The State Protection and Guard Service presented information on the collaborators that have addressed and received medical assistance in the medical point of SPGS on 07.04.2009 (14 persons), and the list of SPGS collaborators (6 persons) who have been paid compensation of compulsory state insurance for trauma (in the amount of 131,560 lei)
- The Rehabilitation Centre for Torture Victims "Memoria" presented the list of victims of the protests of 2009 (133 assisted people) that have inquired and received assistance
- The MoI presented information about its employees, who have suffered serious injuries during the events of April 7, 2009 and have been examined in the medical institutions of MoI (53 persons) and the list of MoI employees who requested medical aid at the hospital and clinic of MoI starting with 07.04.2009, 12.00 o'clock until 23.04.2009, 16:00 o'clock (270 people)
- The Ministry of Education presented information on identifying and assisting the students who suffered from the events of April 2009
- The Department of judicial administration presented general information in relation to the files examined by the courts of law related to civilians and law enforcement personnel who suffered from the events of April 7, 2009

- MoH presented the list of people who have addressed the PMSI in the country, injuries of which were causally related to the events of April 7, 2009 (about 440 people).

21. On the basis of the information received, the Commission developed and approved an action plan for helping civilians and law enforcement agents who have suffered from the events of April 7, 2009, as well as the criteria concerning the manner/amount of the unique allowance or other rehabilitation measures. According to the Government Decision No. 853 of 14.11.2012, financial means from the reserve fund of the Government were allocated for unique allowances to civilians and law enforcement agents who have suffered from the events of April 7, 2009. Thus, from March 30, 2012 until June 27, 2012, the Commission received, examined and approved 102 requests. Out of these, 86 requests came from law enforcement agents (75 persons were MoI employees and 11 persons were employees or former employees of the State Protection and Guard Service) and 16 – from civilians.

22. With reference to the criminal cases on crimes committed by police agents, following the events of April 7, 2009, it has been established that 27 criminal cases against 43 police agents have been sent to the trial court, of which:

- 20 cases regarding 35 police officers finished with bringing in a sentence, namely:
  - 5 conviction sentences regarding 13 police officers
  - 1 sentence of cessation regarding 1 police officer
  - 14 acquittal sentences regarding 21 police officers.

23. In the court of appeals there have been pronounced:

- 2 conviction decisions in respect of 5 persons (thus being quashed 2 acquittal sentences)
- 1 decision of cessation of the criminal trial in respect of one person under article 60 of the PC
- 2 decisions of maintaining the conviction sentences in respect of 6 people and 2 decisions of maintaining acquittal sentences of 3 people.

24. Irrevocable became 5 acquittal sentences regarding 8 persons, 2 sentences of cessation regarding 2 persons and 1 sentence of condemnation in respect of one person. There are 6 criminal cases regarding 9 persons pending before the first instance court, 4 cases in respect of 5 persons before the appeal court, and before the court of cassation 2 criminal cases regarding 5 persons.

25. According to the NHRAP, trainings of lawyers on providing qualified legal assistance in cases concerning torture or other ill-treatment were organized. Thus, in 2012 the National Council for State Guaranteed Legal Aid with the support of UNDP Moldova organized a training for lawyers who offer state guaranteed legal assistance on "Preventing and combating torture and other cruel, inhuman and degrading treatment".

26. With reference to medical and psychosocial rehabilitation of the victims of torture, in partnership with the Office of the High Commissioner for Human Rights and UNDP there has been developed a method of stimulating the psychosocial support in group and self-advocacy for people in voluntary and compulsory treatment in the psychiatric institutions. It is being working with specialized rehabilitation services of torture victims.

27. Police agents from different subdivisions are being continuously trained in the MoI Academy "Stefan cel Mare" on the implementation o the Law No. 26 of 22.02.2008 on assemblies (annually-appr. 400 employees).

28. The MoI representatices participated in various local and international trainings on advanced practices related to the public order during violent actions, among which the seminar "Ensuring the public order in case of violent actions at football matches"

(6.06.2012), where the German practice on ensuring the public order during football matches was presented. The seminar was attended by 62 MoI employees.

29. Due to the MoI institutional reform, resulting in the establishment of the General Police Inspectorate, the immediate tasks concerning the insurance, maintenance and restoration of the public order throughout the entire country were transferred to the National Patrol Inspectorate (the Regulation on organization and functioning of the General Police Inspectorate approved through Government Decision No. 283 of 24 April 2013).

30. During the period 2010-2013 35,872 meetings took place throughout the country, from which 24,784 had social-political character, cultural and artistic events – 1.181, sports activities – 5651, with religious character – 2,897 and 169 of public events with the occasion of official visits of delegations from different countries. The police bodies have drawn 186 reports on contraventions, for various deviations from the legislation on assemblies. For the violations committed regarding 169 organizers (leaders) of the meetings there have been applied sanctions in the form of a fine, and regarding other 17 people, the documents were submitted for examination at the Prosecutor's office.

31. The practice of identifying and investigating the violations of the Law on assemblies is continuously making good progress. Thus, the monitoring during the 2011 there were registered 8 such reports, concerning either the violation of the conditions and venue of the meetings, or the violation of the legal order during the assembly, the circumstances having been fully and objectively investigated and decisions being pronounced on the cases.

32. During 2012 there were 7 complaints regarding cases of violations of the Law on assemblies, out of which 6 – in Balti and 1 – in Chisinau. Based on these referrals, a criminal prosecution in 7 criminal cases was initiated. As a result, the Prosecutor's office Balti and the territorial body of criminal prosecution started 6 criminal cases, in 5 of which the criminal prosecution was finalized and sent to the court for examination.

33. In all the cases, the police officers helped ensure the public order during the gathering, as derived from the Law on assemblies. Cases of forced suspending or dispersing of the meetings did not occur.

34. The National Institute of Justice (NIJ) develops annually the continuous training program which is coordinated with the Superior Council of Magistracy, Prosecutor General's Office and the MoJ. A constant emphasis is put on compliance with the international human rights standards.

35. According to the Law on the NIJ, the judges and the prosecutors have the right to continuous training by choosing the themes from the program, and must accumulate a total of at least 40 hours per year.

36. The NIJ carries out continuous training activities both in Chisinau and in other areas of the country: Balti, Comrat and Causeni. Most of the seminars in the territory were organized in partnership with the Rapid Assistance Programme for Good Governance (RAPGG).

37. In the context of the adoption of the *Law on ensuring equality*, at the request of the MoJ, the NIJ introduced in the work plan for 2013, additional hours for the training of judges, prosecutors and criminal investigation officers on the mechanism of interpretation and enforcement of the Law. Three seminars on "National and international standards in the anti-discrimination field" were organized, where 44 judges and 35 prosecutors were trained.

38. The MoI Academy "Stefan cel Mare" modified the programs of the classes "Criminalistics" section "Criminalistic Methodology" and of the special course "Criminal prosecution activity" with the introduction of 18 hours for the students of the III and IV years of study, Faculty of Law, day section, and 4 hours for the students of II year of study, Faculty public security and order, starting with the academic year 2010-2011, having as object of study the exclusion of torture cases in the process of effective criminal

prosecution and investigation of cases of torture and other inhuman and degrading treatment.

39. In the period September 27th to October 1, 2010 and 21 – 26.06.2011 trainings of national trainers on combating ill-treatment and impunity were organized by NIJ in cooperation with the Council of Europe and the European Union Joint Programme on Democracy Support in the Republic of Moldova. During 2011, the trainers have conducted 8 training for other 500 police agents in all the regions of the country. In this context, during the courses at the Academy as well as in the groups delegated to the training courses, during 2012, 955 persons were trained.

40. Based and on the Action Plan of MoI on human rights for 2011-2014, together with representatives of the General Prosecutor's Office, there were organized throughout the country five methodological instructive seminars with the management and employees of the criminal prosecution subdivisions from those areas, on the respect of the fundamental human rights, particularly of the persons arrested and detained in temporary detention isolators.

41. In early 2013, the General Police Inspectorate attended the final roundtable on the implementation of the project *Atlas of Torture*, where implementation of the recommendations made by the UN Special Rapporteur against Torture was assessed.

42. The Section Combating Torture of the General Prosecutor's Office has established as a priority the development of a methodological guide for the prosecutors investigating cases of torture or other ill-treatment, for the proper exercise of the tasks in the criminal prosecution field in these criminal cases. The General Prosecutor's Office, through the Torture Combating Section, permanently monitors the activity of preventing and combating of torture or other ill-treatment.

43. In 2012, the prosecution bodies have examined 970 complaints of torture and other ill-treatment, compared to 958 and, respectively, 828 in the years 2011-2010. Among the main causes influencing this number are:

- Functioning in all the regional and specialized prosecutor's offices of the "confidence telephone" for receiving complaints on torture, inhuman or degrading treatment or punishment.
- Increased level awareness of the public officials for notifying the competent prosecutor as soon as they were informed of any act indicating a maltreatment.
- Publicizing of prosecutors' activity examining cases of torture.

44. At the same time, the prosecutors refused to initiate a criminal prosecution in 796 cases (775 in 2011) and criminal prosecution in 140 cases (in the same period of 2011 – 108 of criminal cases). In 2012 there were 46 criminal cases submitted to the court with indictment.

45. The analysis of complaints of torture and other ill-treatment forms, recorded by the prosecutors during 2012, reveals that most of the actions that are clearly beyond the legal framework are admitted in particular in regard of suspected persons, accused of having committed crimes or convicted for criminal acts. Thus, from the total number complaints recorded in this period (970), in the case of 604 it was alleged the application of ill-treatment on this categories of victims, which is 61%. Also in 271 complaints, approximately every fourth complaint, there were invoked acts of mistreatment of other persons, who though were not attributed offenses, had other procedural status (injured parties, witnesses and so on). In 94 cases there have been submitted allegations of ill-treatment of the infringers (9.6%).

46. Simultaneously, from the 970 complaints results that the police officers, during their stay in the police station premises, apply the most commonly forbidden, inhuman, humiliating and degrading methods (326 complaints or 34%). Thus, the risk of intimidation

and physical ill-treatment is the greatest during the person's stay in these places. The abuses claimed to be committed in the street or other public places are also quite common (24%). In 126 complaints the allegations about the mistreatment refer to its application in the penitentiary institutions (13%). Then follow the complaints about the use of violence in the policy sectors, police stations and other service spaces (11%).

47. Cases of ill-treatment committed in the temporary detention isolators subordinated to the MoI were presented in 73 complaints (7.5%). Mistreatments are being committed at the victim's residence itself, 54 such complaints being registered in 2012 (5.5%). Other 41 complaints refer to acts of violence committed in the military units (4%).

48. During the first half of 2013 the prosecution bodies have received 394 complaints of torture and other ill-treatment, 91 fewer compared to the first 6 months of 2012. The prosecutors disposed the refusal of initiating a criminal investigation in 299 cases, compared to 397 in the first half of 2012 and to 325 in the first half of 2011.

49. During the first 6 months of 2013, as a result of the complaints' examination, a criminal prosecution was disposed in 70 cases. Thus, the number of the cases in which the criminal prosecution started increased, accounting for 18% of all complaints examined (in the first half of 2012 – 14%, in first half of 2011 – 12%).

50. This tendency, and namely that the investigations on the complaints dealing with suspected ill-treatment to take the form of a criminal prosecution, should be maintained as one that meets the requirements of the European Court of Human Rights.

51. The analysis of complaints of torture and other ill-treatment forms, recorded by the prosecutors during the first half of 2013, reveals that most of the actions that are clearly beyond the legal framework, are admitted in particular in regard of suspected persons, accused of having committed crimes or convicted for criminal acts. From the total number complaints recorded in this period (394), in 242 it was alleged the application of ill-treatment on this categories of victims, which is 61% (in the first half of 2012 – 327 or 67%)

52. Also in the case of 102 complaints, approximately every fourth complaint, there were invoked acts of mistreatment of other persons, who though were not attributed offenses, had either other procedural status (injured parties, witnesses and so on) or without such a status (in the first half of 2012 – 125 or 26%)

53. In 102 complaints there have been submitted allegations of ill-treatment of the infringers which constitutes 13% (in the first half of 2012 – 33 or 6,8%). Thus, compared to the same period of last year, the number of cases where ill-treatment in contravention procedures is invoked doubled, that means that there has been noticed a worrying tendency of increasing violation of the rights of persons who are subject to contravention liability.

54. If referring to the data resulting from the examination of cases from the courts of law in the first semester of 2013 under the Article No. 166/1 of the Penal Code, the first instance courts pronounced 2 sentences regarding 4 people – police officers, of which 3 police officers were convicted to prison, with the application of Article No. 90 of the Penal Code and the conditional suspension of sentence execution on a probation term. Another police officer was sentenced to a fine. All four police officers were convicted to the additional penalty of deprivation of the right to operate in MoI. On 28.06.2013 there were 3 criminal cases against 4 persons in delay in the first instance courts under the Article No. 166/1 of the Penal Code.

55. Based on Article No. 3091 of the Penal Code, the first instance courts pronounced 7 sentences regarding 20 defendants. Out of these, 6 sentences were pronounced regarding 10 police agents, and from the last, 2 were conviction sentences of 2 police officers, inclusively 1 policeman was convicted to prison (the sentence was quashed by the Criminal College of the Court of Appeal Balti based on the defendant's appeal of establishing the prison sentence, with the application of Article No. 90 of the Penal Code and the

conditional suspension of the sentence on a probation term), another police officer was sentenced to a fine. There was applied the additional penalty of deprivation of the right to operate in MIA regarding 1 of the convicted police officers. 2 Criminal trials were stopped regarding 5 police agents under Article No. 391 of the Criminal Procedure Code.

56. The first instance courts pronounced 2 acquittal sentences regarding 3 police agents. The sentences of acquittal have been appealed by the state prosecutors in the hierarchically superior court. 1 sentence of acquittal was given to 10 collaborators of the Detachment of special destination "Pantera" DPI of MoJ. The sentence was appealed by the state prosecutor. On 07.01.2013 there were 15 criminal cases against 26 persons pending in the first instance courts, under Article No. 3091 of the Penal Code.

57. Based on Article 328 para. (2), (3) of the Criminal Code, the first instance courts pronounced 7 sentences regarding 14 people. All the sentences were pronounced regarding police officers, including 6 sentences regarding 7 police agents were of conviction, and 1 police officer was sentenced to imprisonment (the criminal case is pending at the Court of Appeal Balti based on the appeal of the defendant) 2 police officers were sentenced to prison, with the application of Article 90 of the Penal Code and conditional suspension of sentence for a period of probation, 4 other police agents were sentenced to a fine. Regarding 4 convicted police officers there was applied the additional penalty of deprivation of the right to operate in MIA. There has been given 1 sentence of termination of the criminal trial regarding 5 police officers under Article No. 391 of the Criminal Procedure Code. In the exposed court decisions, 2 police officers were acquitted. The state accusers lodged an appeal against the illegal sentences. On 28.6.2013 there were 21 cases regarding 36 persons pending in the first instance courts under Article 328 para. (2), (3) of the Penal Code.

58. During the analyzed period, there were mentioned minors as victims of maltreatment in 12 complaints submitted to the prosecutor's office compared to 25 recorded in the first semester of 2012. Analyzing the data, it is to note that the rate of notification of maltreatment cases of minors in the years from 2010 to 2012 has increased (in 2010 – 33 complaints where minors were mentioned as victims of maltreatment, in 2011 – 35, in 2012 – 39).

59. Starting with the current year, the situation has changed quantitatively, being registered a tendency of decreasing of these complaints number. At the same time there are indications that certain types of violence against children, in particular the forms of psychological abuse are inadequately identified or, if identified these are not recorded and reported correctly in order to be taken appropriate measures.

60. A study conducted by the Torture Combating Section, where the notifications were analyzed after the purpose of applying the violence, shows that the acts of torture and other forms of maltreatment are being applied for the following:

- Acquisition of evidence through illegal methods in order to obtain information or confessions (312 complaints of this kind or 32% of the total number of 970 complaints)
- In order to punish the victim for having committed an act or an alleged act (245 complaints of this kind or 25%)
- Externalization of the superiority sentiment over the victims of the actions and neglect of the general rules of conduct (145 complaints of this kind or 15%)
- Excessive use of force at the time of arrest as a result of improper exercise of the professional duties (177 complaints from this category or 18%)
- For the purpose of intimidation or discrimination (91 complaints or 9%).

61. By criteria of the subject who has admitted acts of torture or other ill-treatment, the majority of the complaints refer to the police officers:

- Acts committed by collaborators within the criminal police, 169 complaints or 43% of the total of 394 complaints (in the first semester of 2012 – 214 complaints or 44%)
- Other police employees (including the carabineers), 155 complaints or 39% (in the first semester of 2012 – 192 complaints or 39%);

62. The other complaints refer to other subjects, as follows:

- Collaborators of the Department of Penitentiary Institutions – 43 complaints, representing 11% (in the first semester of 2012 – 21 complaints or 4%)
- Criminal investigation officers – 8 notifications or 2% (in the first semester of 2012 – 21 complaints or 4%)
- Prosecutors – 4 complaints or 1% (in the first semester of 2012-6 complaints or 1.2%)
- Collaborators of the Ministry of Defense – 2 notifications or 0.5% (in the first semester of 2012 – 1 complaints or 1%)
- Other persons with positions of responsibility, public or with public dignity – 12 complaints or 3% (in the first semester of 2012 – 8 complaints or 2%)
- However, only one complaint regarding acts of maltreatment from the part of the NAC employees was recorded. No complaint of ill-treatment from the part of the collaborators of the Special Purpose Detachment "Pantera" of the Department of Penitentiary Institutions was received.

63. According to the research on the criteria of the degree of severity of the bodily injuries of the alleged victims of torture and inhuman or degrading treatment, it was established that in the greatest number of appeals, 253 out of 394, i.e. 64% (in the first semester of 2012 – 292 or 60%) of the cases, the victims have suffered physical pain or mental suffering, without visible injuries on the body. In such a case the prosecutors have to be aware that there are methods of application of the force that leaves no trace on the body, method that becomes more widely spread among the police officers.

64. Simultaneously, there have been established cases when the maltreatment of the persons resulted in injuries:

- Insignificant, in 97 complaints or 25% (in the first semester of 2012 – 136 complaints or 28%)
- Light, in 34 cases, which represent 9% (in the first semester of 2012 – 51 or 10%)
- Medium in eight cases, which represent 2%. Complaints of this kind were recorded in the following territorial prosecutor's offices: Buiucani Sector (2) Soroca (2) and by one in Chisinau, Balti, Botanica District, Rezina (in the first semester of 2012 – 6 complaints or 1%)

65. There was recorded a complaint where the maltreatment of the person would have resulted in serious injuries and one in which the mistreatment would have resulted in the death of the victim (in the first semester of 2012 such referrals were not received).

66. The analysis of statistical data permits to conclude that all the policies taken by our country in the last three years directed against the maltreatment committed by the officials had a positive impact, especially in reducing the number of torture cases that present the greatest injurious degree of this category of crimes.

67. The social infrastructure of physical, psychological and social assistance services provided to subjects of domestic violence within a series of rehabilitation centers, with the support of both Government financial resources and those initiated by non-governmental organizations, makes remedies more accessible and closer to the victim. This network

functions according to the Framework Regulation of organization and operation of rehabilitation centers for victims of domestic violence approved by Government Decision No. 129 from 22 February 2010 and the minimum quality standards for social services provided to victims of domestic violence and approved by the Government Decision No. 1200 from 23 December 2010. The following Centers provide social services to victims of domestic violence:

- Center for Assistance and Protection (Chisinau)
- Center for Information and Counseling for Victims of Domestic Violence (Cahul)
- Maternal Center "Ariadna" (Drochia)
- Maternal Center "Încredere" (Cahul)
- Maternal Center "Pro Familia" (Căuşeni)
- Maternal Center "Pro Femina" (Hânceşti)
- Family Crisis Center "SOTIS" (Bălţi)
- "Casa Mărioarei" Shelter (Chisinau).

68. The Centers that provide social services to victims of domestic violence submit yearly reports to the MLSPF on the number of beneficiaries and the type of rendered support services etc.

69. Joint Guidelines regarding the intervention of the social assistance, law enforcement and medical care bodies in the cases of domestic violence have been approved through ministerial orders of the MLSPF, MoI and MoH in 2012. These guidelines represent the implementing tool of the Law, integrating a joint, but at the same time clearly-defined response and intervention on domestic violence cases.

70. During the reporting period, methodological recommendations and document templates on receiving calls from victims of domestic violence, submission of protection orders and application of protection measures for victims of domestic violence were developed for police officers.

71. By the Law No. 129 of 08.06.2012, the National Council for Accreditation of Social Services Providers was established, as the institution in charge for the compulsory accreditation of social services providers every 5 years. The accreditation of social service providers aims to establish based on the quality standards of these services, the capacity of social service providers regardless of the type of ownership, legal form of organization and administrative subordination and also to provide high quality social services to the population and to increase accountability for compliance with the quality standards.

72. The MLSPF has developed and coordinated with the Public Procurement Agency the standard documentation for procurement of social services. This mechanism will allow contracting the providers of social services, irrespective of their legal form of organization. Contracting of social service providers will only be possible after the implementation of the accreditation procedure, definition of categories of employees for the social services, costing of social services and planning of funds for special purpose programs for development and strengthening of social services in the state budget (in the context of decentralization of public funds).

73. A key step in implementing the National Referral System for assistance and protection of victims and potential victims of human trafficking (NRS) was the piloting of the system monitoring and evaluation mechanism in late 2009-early 2010, which allowed identifying the degree of NRS implementation, assessing the existing challenges in implementation of this policy, and developing sound recommendations for addressing identified challenges.

74. The monitoring of the implementation of the Strategy for NRS for assistance and protection of victims and potential victims of human trafficking (Parliament Decision No. 257 of 05.12.2008) is conducted annually, and monitoring reports are placed on the website of the MLPSF, under the "Activity Reports" menu.

75. At the beginning of 2012, the NRS covered the entire territory of the Republic of Moldova: 35 districts, Balti municipality and 5 districts of Chisinau municipality. The multidisciplinary teams (MDT) were established by the decisions of the territorial commissions for combating human trafficking and comprise the following numbers:

Table
District multidisciplinary teams within the NRS and the number of their members

	MDT	*2010*	*2011*	*2012*		*MDT*	*2010*	*2011*	*2012*
1	Anenii Noi	11	10	10	20	Glodeni	8	8	8
2	Basarabeasca	11	11	11	21	Hânceşti	9	9	9
3	Bălţi	17	17	13	22	Ialoveni	nou	8	9
4	Briceni	7	7	10	23	Leova	7	11	11
5	Cahul	11	6	6	24	Nisporeni	7	7	7
6	Cantemir	9	9	9	25	Ocniţa-Otaci	8	11	11
7	Călăraşi	8	8	8	26	Orhei	7	7	7
8	Căuşeni	11	11	11	27	Rezina	13	13	13
9	Chişinău[1]	12	*	*	28	Râşcani	13	13	13
10	Ciadîr-Lunga	nou	8	10	29	Sângerei	10	10	10
11	Cimişlia	8	8	8	30	Soroca	11	12	15
12	Comrat	8	9	9	31	Şoldăneşti	8	8	8
13	Criuleni	nou	9	9	32	Ştefan-Vodă	10	7	7
14	Donduşeni	nou	6	6	33	Străşeni	nou	11	11
15	Drochia	11	11	11	34	Taraclia	nou	6	8
16	Dubăsari	nou	11	11	35	Teleneşti	7	7	11
17	Edineţ	8	9	9	36	Ungheni	10	12	9
18	Făleşti	13	13	13	37	Vulcăneşti	9	9	8
19	Floreşti	17	17	17	38	Total	299	350	356

76. Thus, in 2012 the total number of MDT members amounted to 356 specialists, with 6 people more than in the corresponding period of the previous year (350).

IV. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to additional previous recommendations

77. Respect for and observance of human rights in the Transnistrian region of the Republic of Moldova is a priority for the constitutional authorities that monitor the developments and provide assistance to people who have suffered from the actions

[1] In Chisinau MDT were established in each of the 5 districts. Each MDT in Chisinau has submitted the requested information on the implementation of the NRS differently, making the cummulative entry of data difficult. Thus, the information on NRS implementation in Chisinau cannot be reflected adequately in this Report.

committed by the *unrecognized structures* from Tiraspol, within the limits of their powers and possibilities. To ensure the respect for human rights in the Transnistrian region of the Republic of Moldova, the following actions have been taken:

(a) In 2009 (October-December)

- The human rights status was the constant focus of the constitutional authorities, that immediately informed the relevant international organizations (UN, OSCE, Council of Europe, the EU Delegation in Moldova) and diplomatic missions on violation of these rights and the need to improve the situation.
- On October 29, 2009, the Ministry of Reintegration held a working meeting, attended by the Prosecutor General of the Republic of Moldova, at the end of which it was agreed to develop jointly with the Public Prosecution bodies a draft legal act on a moratorium on the process of investigating criminal cases filed against individuals in the Transnistrian region, in order to ensure favorable conditions for the settlement.
- On November 27, 2009, during the working meeting with representatives of the Reintegration Office, the Ministry of Education and the MFAEI, the situation in higher and vocational – technical education in the region was addressed and the necessary proposals were submitted. The topics included the accreditation of the University of Tiraspol, admission of the young people from the Transnistrian region to educational institutions on the right bank, resuming of the activity of the education working groups, as well as relations with education institutions of the Russian Federation and Ukraine (collaboration agreements, accreditation, opening of branches/representations, granting of scholarships etc.).

(b) In 2010

- Efforts were made to ensure the EU and U.S. support for the establishment of an effective mechanism to guarantee the compliance with human rights in the region, including through organization of inspections and fact-finding missions at the level of specialized agencies of the UN, Council of Europe and OSCE.
- Consultations between Chisinau and Tiraspol continued, in order to identify fair solutions for cases of mistreatment of detainees in prisons in the region, solutions to the issue of increased number of appeals to the ECHR, intimidation of civil society and media representatives (Ernest Vardanean, Ilie Cazac cases), containment of fundamental freedoms etc.
- Government Decision No. 906 of 24.09.2010 on "On establishment and operation of committees to examine the appeals of Moldovan citizens residing in localities on the left bank of the Dniester river (Transnistrian region) and the localities adjacent to the administrative border within the categories for which the Government has the quality of the ensured" was approved, thus facilitating the conclusion of nominal lists of beneficiaries in the region in order to obtain compulsory health insurance policies.

(c) In 2011

- By Government Decision No. 132 of 04.03.2011 the Governmental Commission for Country Reintegration was created to coordinate the activities of all relevant authorities in promoting a single policy on country reintegration, including respect for human rights in the Transnistrian region.
- Persons responsible for monitoring human rights in the Transnistrian region were appointed within the central public administration authorities, and some of them

developed the first annual action plans in the field (e.g.: Ministry of Transport and Road Infrastructure, National Anti-Corruption Center).

- Judges, prosecutors and police officers were trained under the training courses "Investigating offenses committed in the Transnistrian region of Moldova", organized by NIJ.
- Moldova reported through international forums (UN, OSCE, Council of Europe) on human rights violations in the region and the actions taken by the constitutional authorities to improve the situation. Following some joint actions the authorities managed to release the journalist Ernest Vardanean (May 2011) and Ilie Cazac (October 2011) from unlawful detention.
- The competent authorities of the Republic of Moldova and international organizations addressed the widely publicized cases of Iurie Matcenco, Boris Mozer, Alexandr Baluta, Alexandr Bezrodnâi, Vitalie Eriomenco, Ostap Popovschi, who had been arrested and placed in detention by the illegal structures from Tiraspol and took the necessary steps for their release.

(d) In 2012

- Many thematic seminars for civil servants were organized, including on the uniform procedures for prosecuting cases of human rights violations in the Transnistrian region and monitoring the execution of judgments delivered by the ECHR.
- In areas on the right bank of the Dniester river regional civil status and documentation of population offices were opened, where the population from the Transnistrian region can obtain civil status documents of the Republic of Moldova or may have their education confirming documents re-issued.
- To ensure free access to justice, special prosecutors, judges and notaries were appointed, to provide legal assistance to residents of the left bank of the Dniester river.
- On 17.10.2012 the Ombudsman institution opened its branch in Varnita village, to improve the access of region inhabitants to ombudsmen and provide the necessary information to promote human rights and legal education of the population.
- Two initiatives were launched under the "5 + 2" format: a) creation of a joint consultative platform involving civil society organizations on both banks of the Dniester river and relevant international organizations in order to provide the necessary support in human rights protection and monitoring compliance in the region, b) creation of a forum for cooperation and interaction between the civil society and the media in Chisinau and Tiraspol, which may develop and jointly implement projects in various fields of social, economic and cultural life, contribute with alternative, innovative ideas in the activity of the working groups.
- The international organizations continued to monitor the human rights situation in the Transnistrian region, and the UN Senior Expert, Mr. Thomas Hammarberg, made several visits to the region.

(e) In 2013, semester I

- On February 14-15, in Chisinau and Tiraspol, the UN Senior Human Rights Expert in the Transnistrian region, Mr. Thomas Hammarberg presented his assessment report on the human rights in the region, developed as a result of the fact-finding missions conducted between May and December 2012, and the presented recommendations were submitted for coordination to the competent authorities of the Republic of Moldova, the alleged government in Tiraspol and the civil society

representatives from both banks of the Dniester river, with a request to help with joint projects to improve the situation.

- On February 15 the first joint meeting of the Human Rights Sub-Group was held, during which the organizational issues related to establishment of a functional mechanism to monitor the situation in the field were discussed.
- During their meeting the education working groups consult the OSCE recommendations presented in the report of November 2012 on the situation of Moldovan schools teaching in Latin script in the Transnistrian, in order to identify viable solutions to the problems faced by these education institutions.
- The need to respect fundamental rights and freedoms of people living on both banks of the Dniester river was reiterated in the Declaration of Moldovan Parliament on the current status of the Transnistrian conflict settlement process, approved by the Parliament Decision No. 151 of 21.06.2013.
- The involvement of the authorities in Chisinau and international human rights organizations led to release of Coliban Alexander from unlawful detention (June 2013).

The issue of respect and assurance of human rights in the Transnistrian region of the Republic of Moldova is one of the topics on the agenda of consultations within Transnistrian settlement negotiations formats "1 + 1" and "5 + 2".

A. Constitutional and legal framework within which the Pact is implemented (art. 2)

78. The reform of the Center for Human Rights and institutional capacity building thereof, was part of the NHRAP and the Justice Sector Reform Strategy.

79. Therefore, the new law on People's Advocate which will strengthen the independence and the effectiveness of the Center for Human Rights, as well the National Mechanism for the Prevention of Torture was adopted by the Parliament on 3 April 2014 (Law No. 52).

80. The law was drafted according to the initiated reform of the National Human Rights Institution. In 2011 by the Ministry of Justice was set up a special Working Group which included civil society representatives, international (UN, CoE), and national experts (Ministry of Foreign Affairs, Ministry of Justice). Mr. Manfred Nowak, former UN Special Rapporteur on Torture and other inhumane or degrading treatment, has been invited as Honorary Chairman of the Group. The draft bill was extensively consulted with all relevant national institutions and with civil society during the last 2 years being included as a subject for public discussions and finalized after careful consideration of all proposals submitted by the partners.

81. Taking into consideration the additional recommendation of the civil society and international partners, including SPT, the law was sent back by the President (20 February 2014) to the Parliament for re-examination in order to ensure a comprehensive law with efficient mechanism of enforcement, according to the Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) provisions and best practices.

B. Non-discrimination and equal rights of men and women (art. 2, para. 1, 3 and 26)

82. The Law No. 121 on ensuring equality aims to strengthen the existing legal framework and to adjust it to international standards to promote opportunity and equal

treatment of all people in the political, economic, social, and cultural life, regardless of race, nationality, ethnicity, language, religion, gender, sexual orientation, age, health, and political affiliation. The practice of the European Court of Human Rights and international regulations were taken into account when including the fifteen criteria in the law. The law contains a number of regulations aimed at preventing and combating discrimination in various sectors: labor, education, and access to goods and services. Also, the law defines the concepts of direct and indirect discrimination, harassment, victimization, and "affirmative action."

83. The Council for Prevention and Combating of Discrimination and Ensuring Gender Equality was established (Law No. 298 of 21 December 2012) to prevent, to educate and to protect individuals against discrimination. The Council is impartial and independent of public authorities. On 6 June 2013 the selection of the five members of the Council was completed and its Chairman was elected. In this regard, the Council is complete and functional (see Chapter II). The Council does not have the right to impose sanctions (if the examination of the complaints shows that an offense has been committed). According to the Law No. 121/2012, the Council takes note of the violations with discriminatory elements in accordance with the Code of Administrative Offences, while sanctions shall be applied by the court.

84. According to article 17 of the Law, discrimination acts are punishable in accordance with disciplinary, administrative and criminal liability. According to the legislation in force and to ensure their criminalization, Law No. 306 of 12.26.12 was adopted, which prescribes the following:

- Criminal law amendments refer to article 173 "Sexual Harassment", article 176 "Violation of equality of citizens' rights" and article 346 "Intentional actions aimed at incitement of national, racial or religious enmity or discord". These changes are aimed to criminalize the serious forms of discrimination and to ensure compliance of some provisions of criminal law.
- The Code of Administrative Offences was completed with new offenses: article 542 "Violation of labor equality", article 652 "Discrimination in education" and article 712 "Discrimination in access to services and goods available to the public".
- To ensure effective work of the Council for Prevention and Elimination of Discrimination and Ensuring of Equality, the law provides that hindering the activity of the Council for the Prevention and Elimination of Discrimination and Ensuring of Equality in order to influence its decisions, as well as the failure to submit the relevant information required for the examination of complaints within the term provided by the law, the willful ignorance and the failure to enforce the recommendations issued by the Council, as well as any other prevention of Council's work shall be subject to administrative liability.
- Amendments are introduced to the Law No. 158-XVI of July 4, 2008 on the public office and the status of civil servant, the Law No. 199 of July 16, 2010 on the status of people holding public offices, the Law No. 48 of March 22, 2012 on the civil servants salary system and the Law No. 355-XVI of December 23, 2005 on the salary system in the public sector, to establish the legal status of the Chairman, members and the administrative apparatus of the Council, as well as to establish their salary level.
- The State Tax Law and the Code of Civil Procedure were amended to adjust their provisions to the provisions of article 21 of the Law No. 121 of May 25, 2012 on ensuring equality, according to which "individuals filing a case in court for acts of discrimination shall be exempt from payment of state tax".

85. On 21 December, 2012 the Parliament adopted the Law for issuing a Declaration under Article 14 of the Convention on the Elimination of All Forms of Racial

Discrimination (CERD), which entered in to force on May 13, 2013.Consequently, the Republic of Moldova recognizes the competences of CERD to receive and consider communications from individuals or group of individuals within its jurisdiction claiming to be victims of a violation by the State Party of any of the rights set forth in the Convention, with a reserve that this Committee will not consider any communication, without ascertain that this cause is not taken into consideration or it was not taken into consideration in another international procedure or regulation. The reserve is in accordance with the principle "Non bis in idem".

86. On November 1, 2012 the Constitutional Court has issued a Decision regarding the constitutionality of Article 32 para. (4) of the Law on the Status of Military Personnel. The Court stated that the exclusion of male military from the right to parental leave is unconstitutional. The complaint was presented by the ombudsman, Mr. Tudor Lazar, requesting the constitutionality control of Article 32 para. (4) j) of the Law on the Status of Military Personnel which provided childcare leave only for female soldiers, not men. Author notification claimed in particular that by specifying the category "woman-military" challenged the military by discriminating on gender, to obtain childcare leave and childcare leave by not including the calendar age of military service prejudice to the right of free choice of employment.

87. On November 2, 2012 the Supreme Court of Justice has issued a Recommendation (No. 16) on the examination procedure for the complaints regarding the rectification of the civil status acts as following sex changes. The document explains that according to the European Court for Human Rights jurisprudence the sexual identity, name and sexual orientation, as well as sexual live is part of the private live protected by the article 8 of the European Convention on human rights.

88. The Riscani Court from Chisinau obliged the Society in the support of the Social initiatives "Civic Action", the owner of the mdn.md to remove from his website the black list of the public officials and human rights defenders who are promoting LGBT rights.

89. On May 14-19, 2013 in Chişinău took place the 12th edition of the Festival of the LGBT community "Rainbow over the Nistru river", organized by the NGO GenderDoc-M. The initiative had the aim to support the LGBT community, who doesn't have the courage to disclose their identity and it lasted for 6 days, compared to the previous years when it had the duration of 3 days. In this time frame there were organized public debates on the topic "Roots of homophobia in the Moldovan tolerant society", flowers were laid at the Monument of the Victims of Repressions, the photo exhibition "Own room" was launched etc.

90. On May 19, took place the first ever Gay Pride march, which started in the perimeter of the USA Embassy and the State University of Moldova and was further held at the Green Theater, with the slogan "Equal rights for all". The police guaranteed the security of the event which had around 100 participants and officials representing international partners, including Mr. Stefan Fule, Commissioner for Enlargement and European Neighborhood Policy; Mr. Dirk Schuebel, Head of the European Union to Moldova; Ms. Marije Cornelissen, member of the European Parliament; Mr. William Moser, Ambassador of the USA to the Republic of Moldova; Ms. Ingrid Tersman, Ambassador of Sweden to Moldova etc. The organizers qualified the march as successful and appreciated the positive cooperation with the police. A counter-demonstration was peacefully organized by the religious community in the square of the Nativity Cathedral in Chisinau.

91. The Action Plan on Roma support for 2011-2015 was approved by the Government on 8 July 2011 and subsequently amended on 31 January 2012. The new Action Plan was developed under the EU Framework on Roma, OSCE / ODIHR Strategy and the Report on States Parties implementing the OSCE Strategy (2008), CoE and UN recommendations. The implementation of the Action Plan on Roma support is reconfirmed within the main framework for human rights – the NHRAP. The main objectives of the Action Plan refer to

the seven priority areas: 1) promoting services social-community mediators, 2) education, 3) employment and economic welfare, 4) health and social security; 5) culture and media; 6) public administration, public order and documentation; 7) housing.

92. The monitoring of the Action Plan implementation is taking place through the Inter-ministerial technical group to which experts from the competent institutions, NGOs and development partners are members. The Prime minister adviser on Roma issues and the Bureau for Interethnic Relations are convening regularly meetings of the Inter-ministerial technical group in order to assess current and future activities, to set priorities and short/mid-term targets, as well as to monitor their appropriate implementation.

93. One of the main achievements represents the institutionalisation from January 2013 of Roma community mediators and the medium term allocated financial resources for their activity.. Their role is to facilitate communication between Roma communities and public local authorities, to ensure a better access to available public services in the area of health, education, labour and social assistance. Between of January 2013-January 2014 the Government allocated 2.082.400 MDL lei for the institutionalization of Roma community mediators.

94. On 17 July 2013 the Government adopted the Framework Regulation on the employment modalities and organization of the activity of community mediators in compact and/or mixed communities populated by Roma.

95. On 6 August 2013, the MLSPF organized a national roundtable with 39 Local Public Administration representatives from 24 city halls where the newly adopted Regulation on the activity of Roma community mediator and the institutionalization process were discussed and some questions debated.

96. For the first time on 8 April 2014, on the occasion of International Roma Day, a group of Roma students and community mediators met the Prime-Minister of Republic of Moldova to discuss about Roma inclusion and further cooperation.

97. In order to facilitate and solve eventual problems which may arise in the process of documentation of Roma with ID, according to the Governamental Decision No. 497 from 6 July 2012 the Roma population were exempted from fees for services for documentation with national ID and documents issued by the Civil Status Service for a period of 6 months.

98. The Ministry of Education has engaged itself in a series of measures, including the development of Curricula for the subject "History, culture and traditions of Roma from Moldova" and its inclusion as an optional subject in the secondary education programmes.

99. Currently, according to the statistic data within Moldovan schools are registered 1961 children and according to the ensured cota for universities, for the educational year 2013-2014, 3 students requested and have been admitted at free of charge studies.

100. The Ministry of Education in partnership with the National Roma Centre organized training on enhancing the level of tolerance and acceptance of cultural differences in the educational process (4-5 July 2013).

101. The Ministry of Education is ensuring continuous monitoring of the educational process, in particular the dropout of Roma children between 7-16 years old. Overall, the situation relatively improved. Consequently, at the end of the first trimester of the school year 2013-2014 it was registered a relative decrease in the number of dropouts – 35 comparing with 98 from the same period in 2012-2013.

102. The most advanced early childhood education center was established in Vulcanesti village, which is predominantly populated by Roma. With the support of the local government, the Ministry of Education, the National Roma Center and the UNICEF, an early education center was opened in Schinoasa village, which is also densely populated by Roma.

103. There were organized specialized courses for the consolidation of capacities of police staff in the area of protection of the rights of national minorities.

104. With the support of the UN Country team and OSCE/ODIHR there was concluded a Study aiming to present an overall comprehensive view on Romani women situation in the Republic of Moldova and opportunities for their empowerment.

105. On 24 October 2013 under the framework of the joint UN Programme "Strengthening the national statistical system", with the assistance of UNDP, UN Women, UNICEF and the UN Human Rights Office (OHCHR) and the financial support of the Government of Swede, there was launched the Report on Roma situation in communities with high concentration of Roma population in the Republic of Moldova.

106. In 2013 has been launched the second phase of the Social Housing Project in Moldova co-financed by the Council of Europe Development Bank. According to the data from 27 territorial administrative units, around 70 Roma persons are living in social housing.

107. The representative of the civil society, chair of National Centre of Roma, was elected (in 2011 until 2013) on behalf of the Republci of Moldova as a Vice-president for Committee of Expert of Council of Europe for the problems of Roma people (CAHROM).

108. The Republic of Moldova joined the Decade of Roma Inclusion as an observer member from 2014. A series of events, working groups and trainings with Roma representatives were conducted during 2012-2014, including awareness campaigns on tolerance and national campaigns for information for Roma.

C. Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of a person, and treatment of persons deprived of their liberty (art. 7, 9, 10, 12 and 13)

109. In order to protect individuals from torture and other punishment or cruel, non-human or degrading treatment, beside the People's Advocate Office, there was created the *Council for the Prevention of Torture*, a national mechanism for the prevention of torture, in conformity with the OPCAT provisions.

110. The Council consists of 7 members. The People's Advocate and the People's Advocate for the rights of the child are members by right of the Council. The other members proposed by the civil society, are selected through a competition organized by People's Advocate Office and are appointed for a 5 year mandate, which cannot be renewed.

111. In its activity, Council is assisted by a specialized division within the Office of the People's Advocate. The organization and functioning of the Council will be established in a regulation approved by the People's Advocate Office. Therefore, the development of regulations and in the event of amendment of the Law No. 52, the national authorities will take into account the recommendations made by SPT and OPCAT provisions.

112. According to the Article 32 of the Law N o.52, the Council members have the right to choose independently the places which shall be visited and people they are willing to discuss with. In order to make preventive and monitoring visits and monitoring is not required prior notification or permission of any authority.

113. Members of the Council operate under the principles of independence, impartiality, objectivity and confidentiality.

114. Member of the Council may be a person who meets the following requirements:

(a) Has higher education in law, health, psychology, pedagogy, social assistance or another area relevant for the mandate;

(b) Has a work experience of at least 3 years in the area of human rights;

(c) Has no criminal records;

(d) Is not public servant, is not member of the Parliament or member of a political party;

(e) Is not employed by the law enforcement bodies.

115. The People's Advocate Office has its own budget, which is part of the state budget. The annual budget of the Office is approved by the Parliament, at the proposal of the People's Advocate. The reduction of the approved costs related to the Office activity is allowed only by the Parliament decision. The resources necessary for the realization of the Council's duties, to contract specialists and experts are included in a separate budget line, part of the budget of the People's Advocate Office. The members of the Council, except the members by right, have the right to a remuneration amounting 10% of the average monthly salary on the economy for each day they did make preventive visits to detention places or took part to the Council meetings.

116. On November 8, 2012 the Parliament adopted Law No. 252 which introduced the following amendments:

- To the Criminal Code: the prescription of criminal liability for crimes of torture, inhuman or degrading treatments was excluded. The term during which the representatives of various state agencies, who used torture, cannot hold certain positions was extended. A new article 166 on Torture, Inhuman and Degrading Treatments was added.
- The Criminal Procedure Code: the victim status, as subject of criminal proceedings, has been strengthened by entitling more accurate rights to victim; the mandatory complex expertise, including forensic, psychological and, where appropriate, other forms of examination was instituted for cases of alleged acts of torture, inhuman or degrading treatments. The obligation to immediately inform the prosecutor about the presence of any injury of the arrested person, as well as the prosecutor's obligation to subsequently order the forensic expertise in order to establish the origin and the nature of injury or damage in question and examination and decision on suspicion of committing such a crime within 15 days was imposed. An express regulation of the exclusive competence of the prosecutor to prosecute cases of torture, inhuman or degrading treatment, as well as when such allegations or other crimes are attributed to police officers, special bodies that carry out special investigations.
- The Enforcement Code: the compulsory health examination of the detained person immediately when entering and leaving the place of detention and upon request was imposed. For the entire period of detention, the right to a health examination, regardless if the doctor of the detention unit has found any traces of torture, cruel, inhuman or degrading treatment or other ill-treatment were included.

117. The measures related to the Prosecutor General Anti-torture Unit's activity were described in section 8.

118. In order to ensure the strict enforcement of the criminal-procedural law provisions on respecting the human rights during the criminal process, the activity of the internal affairs body subdivisions are checked in terms of compliance and unconditional fulfillment of methodological recommendations developed earlier by the General Directorate of Prosecution of the GPI and sent to all subdivisions.

119. In order to inform the citizens about the rights and obligations of the offenders, suspects, defendants and those detained or arrestedinformation boards are established in each subdivision and places of free access, in accordance with a MoI Directive from 2010.

120. At the same time, during their visits to regional prosecution offices the persons responsible for the corresponding area constantly check the compliance with the directive "Regarding the forensic examination of the suspects, defendants and others, for which there is a reasonable suspicion that they have been subjected to violence, forms of torture, inhuman or degrading treatment", as well as the respect for the rights of persons who are in detention cells, in order to establish the legality of the criminal proceedings.

121. When selecting the non-custodial sentences, the criminal investigators take the necessary measures to establish with certainty the presence or absence of the grounds for such action against the suspect.

122. At the same time, the criminal investigators are required to investigate offenses in strict accordance with the presumption of innocence provided in Article 8 CPC. Moreover, the actions of the criminal prosecution with the participation of the detained or arrested persons must be carried out in presence of the defender.

123. On 8.11.2012, the Parliament of Moldova adopted the Law No. 252 to amend and supplement certain legal acts. Article 1751 EC of the RM was completed with a new paragraph, according to which "(2) The person detained under para. (1) shall be subject to immediate health examination when entering and leaving the place of detention, and upon request, including his/her own request, during the detention. The health examination shall be carried out in private. The health examination shall be subject to the provisions of articl 232 para. (3) of this Code". For the enforcement of the law, all detained persons shall be examined by qualified medical staff at all stages of detention.

124. At the policy level the necessary actions have been undertaken in order to propagate the "zero tolerance to torture" attitude, paying special attention to the initial and continuous training programs for the staff of the penitentiary system within the Training Center of the Department of Penitentiary Institutions.

125. Continuous actions are also taken to improve the conditions of detention. To this end, the budget allocations have increased significantly, as follows:

- Renovations and overhauls – from 7468.9 thousand lei in 2011 to 8343.4 thousand lei in 2012
- Health care – from 2589.6 thousand lei in 2011 to 3156.1 thousand lei in 2012
- Meals for the detainees – from 25439.6 thousand lei in 2011 to 31265.6 thousand lei in 2012
- Household products – from 875.6 thousand lei in 2011 to 1109 thousand lei in 2012.

126. In the same context, the construction project of the arrest house in Balti should be highlighted.

127. Regarding the independence of health workers operating in prisons, referred to in the Action Plan for Implementation of the Strategy for Justice Sector Reform, a policy proposal "Strengthening the professional independence of health workers from prisons" is currently being developed, and will propose some intervention options to the Inter-ministerial Committee for Strategic Planning (ICSP), a decision following to be taken by the end of this year.

128. According to the Justice Sector Reform Strategy, by the Law No. 66 of 05.04 2012, some amendments were made to the Criminal Procedure Code, implying a comprehensive set of measures aimed to improve the enforcement of the criminal-procedural legislation, including those referring to arrest of a person. Thus, the amendments state that if a person is arrested to establish his/her identity, the term of arrest cannot exceed six hours and the request for arrest shall be filed at least three hours before the expiration of the term of arrest.

129. As for the maximum of seventy two-hour term of arrest of a person, practice shows that it should not be reduced. Moreover, it was found that this term is sufficient and enables the prosecution body to conduct all criminal prosecution actions, without affecting the quality of the legal act and without generating errors.

130. In terms of compliance with the legal term in practice and exclusion of cases of exceeding such term, it should be noted that the video cameras installed in police units, record the events and allow to view the recordings, including the period of police custody.

131. Regarding the records of the period of uninterrupted pre-trial detention, an automatic information system of registration of arrested and convicted persons was created and tested. This system will be part of the automatic information system "Registry of the detained, arrested and sentenced persons", which is expected to be created in 2014 under the Action Plan for Implementation of the Justice Sector Reform Strategy for 2011-2016.

132. The DPI also plans to provide an additional option within the "Records of People Held in Prison Program" for monitoring the terms of detention, so that the operator and subsequently the Prosecutor General and the Supreme Court of Justice are immediately informed about it in case of exceeded term of pre-trial detention at the stage of criminal prosecution and trial of the case.

133. In order to ensure an independent monitoring of the treatment of patients in psychiatric institutions and reduce the number of cases of torture and other degrading treatment, an independent Ombudsman in psychiatric institutions was established. The Ombudsman is appointed by a commission consisting of the representatives of the MoH and the UN country team.

134. As result of the work of the ombudsman, three monitoring reports were developed, including recommendations for improvement. The psychiatric institutions approved the Action Plans for the implementation of these recommendations.

135. Article 8 of the Law on the social inclusion of people with disabilities No. 60 of 30.03.2012 provides that persons with disabilities enjoy legal capacity to the same extent as others in all aspects of life, and where appropriate, they also enjoy legal action of protection and assistance in exercising their legal capacity provided by the legislation in force.

136. In order to adjust the legislation in force, in particular the provisions of the Civil Code and Civil Procedure Code with the provisions of article 12 of the CRPD, and respectively the Law on social inclusion of persons with disabilities, a Working Group consisting of representatives of line ministries and civil society, including representatives of the ombudsman institution, was set up in 2011 to reform the institution of legal capacity. Recommendations are under examination on repealling/amendment of legal provisions which are inconsistent with article 12 of the CRPD and introducing the supported decision-making and ensuring full realization of civil and political rights of persons with disabilities (according to NHRAP – action to be finalized in 2014).

137. In order to ensure greater accessibility to high quality health services for voluntary interruption of pregnancy without danger to life and the reproductive health of pregnant women, the following regulations were developed and approved:

- The Regulation on conducting safe voluntary interruption of pregnancy (Order No. 647 of 21.09, 2010)
- Standards for conducting pregnancy interruption in safety (Order No. 483 of 14.06.2011).

138. In order to ensure the public right to reproductive health and to increase the access of the population to contraceptives, people in the health and social risk groups are provided with medical devices and contraceptives with an extended effect under the compulsory health insurance.

139. According to the Department of Penitentiary Institutions data, no detained women had abortions during 2012-2013. If needed, the procedure will be conducted by the health providers subordinated to the MoH.

D. Elimination of slavery and subjugation (art. 8)

140. The harmonization of the legal framework on prevention and combating of THB with the view to improve the quality of justice in anti-trafficking area was carried out in 2013 through:

- Approval of the draft Law on Amendments and Addenda to Law No. 42-XVI of 6 March 2008 on Transplantation of Human Organs, Tissues and Cells by the Government Decision No. 930 of 20 November 2013.
- Approval by the Parliament of the Law on Amendments and Addenda to Some Legislative Acts No. 270 of 07 November 2013, in order to:
  - Make clear delimitation between forced labor and THB for labor exploitation; between pimping and THB for sexual exploitation
  - Tighten the sanctions for child trafficking
  - Tighten the sanctions for pimping and organization of begging
  - Tighten the sanctions for committal of the THB crime by public and international officials
  - Criminalize the beneficiaries of services from victims of THB
  - Criminalize the trafficking in organs and advertising of procurement and sales of organs.

Statistics (THB/Trafficking in children) from Law enforcement bodies; Ministry of Labor, Social Protection and Family; International Organization for Migration

Year	*Registered crimes*	*Cases sent to court*	*Convictions (per person)*	*Persons sentenced to jail*	*Suspended execution of sentence*	*Imprisoned persons*	*Nr. of victims assisted by IOM*	*Nr. of victims according to MoI data*	*Nr. of victims assisted by the NRS*
2006	245/59	141/52	62/7	67	No Data	No Data	295	No Data	41
2007	245/43	150/26	52/7	51			273		34
2008	215/31	96/12	63/5	58			158		84
2009	185/21	102/11	64/4	43/6			159		131
2010	140/21	45/10	48/5	31			139		132
2011	111/24	45/14	35/2	7/1	11/1		98	131	109
2012	151/20	60/5	21/10	13/9	8/1	8	205	290	189
2013	135/20	43/8	27/12	20/4	1/	14/2	150	233/29	131

141. During 2012, the law enforcement authorities of the Republic of Moldova persecuted twelve public officials and responsible officials. Seven of these criminal cases were sent to the court. One case was dismissed due to the lack of evidences of crime. Other cases are still in the process of the criminal prosecution.

142. The Government strengthened its efforts to protect the victims of human trafficking. Thus, we mention that the National Referral System was geographically extended in all districts of the Republic of Moldova (see para 10). Within the NRS the following number of victims was assisted: 2006 – 41, 2007 – 34, 2008 – 84, 2009 – 131, 2010 – 132, 2011 – 109; 2012 – 189; 2013 – 131; total (2006-2013) – 851.

143. In 2013 total funding for Centers of assistance and protection of victims and potential victims of trafficking amounted to app. 4,7 million MDL, compared with 3,6 million MDL in 2012 which represents an increase of app. 20% of resources allocated from the state budget. Moreover, during 2013, MDL 111.210 thousand were spent from the state budget for the repatriation of victims and potential victims of THB (in 2012 – about MDL 60.0 thousand). For 2014, MDL 600.0 thousand are planned for this purpose.

144. A Guide regarding the identification of victims and potential victims of THB was adopted on 20 February 2012, which serves as an important operational instrument for all components of the NRS. The Guide were published and disseminated both to members of the multidisciplinary teams from districts and to Moldova's consulates.

145. On 8 April 2014 the Government approved the Instructions on the intersectoral cooperation mechanism for the identification, referral, evaluation, assistance and monitoring of child victims and potential victims of violence neglect, exploitation, trafficking. These Instructions constitute the regulatory and methodological framework that underlies the implementation of several legal provisions related to the protection of child rights, by strengthening the efforts of all relevant stakeholders.

146. With the support of international partners a Study on the Program of compensation for victims of THB was developed.

147. The sustainability of the mechanisms of assistance to the victims and potential victims of human trafficking within NRS depends on the level of its integration in the national social protection system. Before the creation of the NRS, the victims of human trafficking had access only to the assistance granted by the NGOs and IOs. Currently, given the fact that the victims of human trafficking represent one of the socially vulnerable categories, they are guaranteed a range of social benefits by the social state protection systems.

148. Thus, for the reference period, according to the data obtained through the monitoring questionnaires, the victims of human trafficking benefited from a wide range of social assistance programs offered by the social state system, as follows:

Table

Assistance to the victims of human trafficking within the system of state social assistance

Social assistance measures	*No. of beneficiaries*		
	2010	2011	2012
Social works	37	67	65
Social services:			
1. Care at home	1	1	0
2. Social aid dining-rooms	0	2	3
3. Support from the community social assistants	84	93	151
4. Services of the communitarian centers	3	11	11
5. Specialized in day care	6	8	9
6. Temporary placement centers	27	34	9
7. Family type services	8	11	1
8. Placement in CAP or other center2	23	25	16
9. Placement in institutions for disabled people	0	4	2

[2] This figure shows the placement in CAP only of those beneficiaries who were referred by EMD.

Social assistance measures	*No. of beneficiaries* 2010	2011	2012
10. Placement in residential institutions for children	8	9	0

149. The data above shows that EMD makes efforts to ensure the access of the victims of human trafficking to assistance within the system of state social assistance. This comparative analysis of the social assistance measures granted to the victims of human trafficking shows a certain positive dynamic. These ascertainments may lead to the conclusion that the specialists within NRS in comparison with the report presented in the previous year, often appealed to the external assistance of the donors, which is easier to access. This year they try to mobilize the local resources available in the national social assistance system. The observe the 0 figure for the placement in residential institutions for children, which leads to the conclusion that the EMDs place the stress on the re-integration of the children in the biological/extended families avoiding children's institutionalization.

150. Even though the main goal of the NRS Strategy is to use the approach applied for the assistance to the beneficiaries and for the mechanisms elaborated within the national social protection system. At this moment, at the stage of consolidation of the community level in the assistance program granted to the beneficiaries of the NRS, remains still important to maintain the existing social partnership between the government, NGOs and IOs for the purpose of ensuring the quality of assistance and protection granted within NRS to the victims and potential victims of human trafficking.

151. The information in the table below shows victims of human trafficking who benefited aid by EMD and NGOs during the reporting period, in 2012:

Table
Services granted to the victims of human trafficking through EMD with the support of various programs financed by donors

Services granted to the victims	*Assisted cases 2011 (EMD)*	*Assisted cases 2011 (NGO)*	*Assisted cases 2012 (EMD)*	*Assisted cases 2012 (NCO)*
1. Assistance in repatriation;	24	51	15	39
2. Temporary placement in the Center of assistance and protection of the victims of human trafficking or in other center which renders specialized or primary services for the persons in difficulty;	38	72	23	64
3. First need aid (food, personal hygiene products, medicines, clothes and similar items);	70	177	77	60
4. Medical assistance;	47	71	26	79
5. Psychological assistance (individual and group counseling, counseling of the family members, etc.);	90	175	31	92
6. Assistance in the restoration and preparation of the documents	25	18	14	17
7. Legal assistance (representation in various instances, solving the dwelling problems, etc.);	17	37	9	9
8. Integration in the general compulsory education;	14	3	8	4
9. Ensuring professional integration (professional information and counseling, professional orientation and training, practical training);	5	21	3	15
10. Employment assistance;	9	15	6	20

Services granted to the victims	*Assisted cases 2011 (EMD)*	*Assisted cases 2011 (NGO)*	*Assisted cases 2012 (EMD)*	*Assisted cases 2012 (NGO)*
11. Consultation and assistance for the initiation of an enterprise activity;	-	2	2	0
12. Measures for the development of the personal potential (participation in support groups, psycho-social consulting groups, etc.);	3	90	1	103

152. According to the data above, most of victims who benefited from assistance and protection through the EMD received first aid (food, personal hygiene products, medicines, clothes, etc.), psychological assistance (individual and group counseling, counseling of the family members) and medical assistance. The NGOs, in exchange, offered preponderantly psychological and legal assistance, as well as professional information and counseling.

153. Thus, we may affirm that, besides the fact that the assistance programs financed by outside sources is completing the state-guaranteed assistance program. The actors have different profiles within NRS are also completing each other in granting qualitative services to the victims of human trafficking.

E. The right to a fair trial (art. 14)

154. On November 25, 2011 the Parliament of the Republic of Moldova approved the Strategy of reform of the justice sector for the years 2011-2016 (hereinafter – Strategy). The general objective of the Strategy is to build a justice sector which would be accessible, efficient, independent, transparent, professional and responsible to the society. The Strategy is based on seven pillars. Judicial system; Criminal justice; Access to justice and execution of court decisions; Integrity of the actors of the justice sector; Role of the justice in economic development; Observance of human rights in the sector of justice; A well-coordinated, managed and responsible justice sector.

155. On February 16, 2012 the Parliament of the Republic of Moldova approved the Action Plan for the implementation of the Strategy of reform of the justice sector for the years 2011-2016 (hereinafter – Action Plan). On the basis of the Strategy, the MoJ is appointed as the responsible institution for the monitoring and coordination of implementation of the Strategy and of the Action Plan.

156. By Order of the MoJ, six Working groups were created for the monitoring of implementation of the actions for each of the first six pillars provided in the Strategy and Action Plan and the Group for the coordination of implementation of the Strategy, a high level group responsible for the monitoring of implementation of the Strategy as a whole and of the actions included in Pillar VII in particular. The Group for the coordination of implementation of the Strategy had 4 sessions during the year 2012. The high level of coordination and monitoring of the Strategy is performed within the National Council for the reform of the law protection authorities, which analyzes the general annual report of implementation of the Strategy and expresses its opinion on the most important problems without solution. It was found at the level of the sector groups and Coordination Group. The structure of the National Council was modified in 2012. The National Council with the new structure met on December 11, during which the Regulations of the Council were discussed.

157. The directory of the webpage of the Ministry of Justice is dedicated to the mechanism of coordination and monitoring of implementation of the Strategy. This directory contains all documents derived from its activity, including the agendas and minutes of all working sessions of the groups for the coordination and monitoring of the Strategy.

158. The mechanism of coordination and monitoring of implementation of the Strategy includes an adequate budget from the Strategy and Action Plan. Thus, starting 2013, the expenses accumulated by the actions provided by the Action Plan were reflected in the Middle-Term Budgetary Framework 2013-2015, and the annual budget for the justice sector, formed of the amount of the budgets of implied actors, increased by 59.6%.

159. In February 2013, the first report on the degree of implementation of the Strategy was elaborated. Thus, of the 157 actions due on December 31, 2012 – 87 are realized, which represents 56% of the total actions, forty nine are partially realized, which represents 31% of the total, and twenty one are not realized, representing 13% of the total.

160. The specific objective defined for Pillar I is "Consolidation of the independence, responsibility, efficiency, impartiality and transparency of the judicial system", and it should be attained by ensuring the accessibility and independence of the judicial system; increase of transparency and efficiency of the judicial system; increase of professionalism and responsibility of the persons involved in the process of justice.

161. An important progress for 2012 was achieved by the Parliament by approving two draft laws, namely: Law No. 153 of July 5, 2012 on the amendment and completion of certain legislative documents in the sphere of organization and functioning of the judicial system; Law No. 154 of July 5, 2012 on the selection, performance evaluation and career of the judges.

162. The adoption of these laws is meant to contribute to the:

- Increase of efficiency of the management and improvement of the practical and regulatory system of administration of the courts and strategic analysis in the sphere of budgetary planning
- Establishing certain clear, objective, transparent and achievement-based criteria for the procedure of selection, appointment and promotion of the judges
- Unification and ensuring the transparency of the procedure of appointment of the residents and deputy presidents of the courts; establishing clear and transparent criteria of selection of the candidates to such offices
- Review of the procedures of relief, detachment and transfer of the judges with a view to ensuring their independence and to observe the power separation principle
- Consolidation of the self-management abilities of the judicial system by reviewing the role, composition and competences of the Higher Council of Magistracy and of the institutions subordinated to it
- Increase of transparency of the judicial self-management mechanisms and institutions
- Review of functioning of the institution of the investigative judge with a view to its inclusion in the common judicial corpus as a judge specialized in the given sphere
- Unification of the system of accession to the profession of judge
- Creation of a system of periodical assessment of the performance of the actors from the justice sector, based on achievements, on clear, objective and transparent criteria
- Consolidation of the role of the judicial inspection and elucidation of its duties
- Reforming the institution of immunity of the judges to ensure exclusively the functional immunity
- Consolidation of the judicial system introducing the office of judicial assistance and modifying the status and duties of the secretary.

163. Also the Draft law on the judges disciplinary liability is finalized and is pending for Governmental approval.

164. Regarding the efficient fighting of corruption in the justice sector, we mention the draft law on the amendment and completion of certain normative documents (including the Criminal Code with a view to institute the extended confiscation measure) and the draft law on testing the professional integrity (it is a part of the legislative set of measures for preventing and fighting corruption), were finalized based on the objections and proposals obtained as a result of coordination with the interested institutions and public debates. The set of draft laws on the anti-corruption measures, elaborated with a view to ensure the implementation of the actions provided by Pillar IV "Integrity of the actors of justice" from SRJS, was transmitted to the Government on October 04, 2013. They correspond to the standards of the European Council and are subjected to expert examination in this regard.

165. The period preceding the adoption of the Strategy of reform of the justice sector was marked by the following achievements.

166. For the purpose of ensuring the efficiency and independence of justice, the Conception of judicial system financing (PD No. 39 of 18.05.10), was adopted, which reflects the general assessment of the mechanism of judicial system financing by:

- Estimating the total of budgets of the courts taking into consideration tow compartments: operational budget and capital budget
- Establishing certain unique criteria of collection of the fees for certain services
- Managing the informational systems of the courts
- Consolidating the ability of administration of a transparent financing system.

167. With a view to realizing the Conception on judicial system financing, the Action Plan of implementation of that Conception for 2010-2013 was elaborated (GD No. 803 of September 7, 2010), with the objective to improve the mechanism of judicial system financed by measures of a legislative and organizational nature.

168. For the purpose of ensuring the accessibility of the justice process, the impediments of economic-financial nature were reduced. Thus, by the Law No. 90 of 20.05.2010 for the completion of Article 3 of the Law on the State fee No. 1216 of 03.12.1992, the maximum amount that can be paid as a state fee was planned. This represents a guarantee of the access to justice of the persons who, by financial reasons, may not valorize a right or legal interest.

169. With a view to ensuring the neutrality and independence of the judges in the process of examination of the cases and improving the mechanism of holding judges accountable, avoiding the interference in their activity, the legislative authority adopted the Law No. 152 of July 18, 2010 for the amendment and completion of certain legislative documents (Law No. 544 on the status of the judge, law No. 950 on the disciplinary College an disciplinary liability of the judges, and Law No. 947 on the Higher Council of Magistracy). In general outline, the law refers to the following conceptual problems:

- Creation of mechanisms to avoid the influences on the judges in the process of examination of the cases, instituting the obligation of the judges to inform, in written, the president of the court in which he/she is practicing and the Higher Council of Magistracy on any attempt of being influenced in the process of examination of the cases.
- Amendment of the list of disciplinary infringements provided by Article 22 of the Law on the status of the judge, by completing it with let. (h2) non-publication, by reasons imputable to the judge, of the judicial decision on the webpage of the court through the Computerized Case Management Program.
- Modification of the disciplinary procedure, Article 18 of the Law on the disciplinary college and disciplinary liability of the judges, by granting to the persons who filed the complaint representing a basis for the institution of the disciplinary procedure, of

the right to present explanation at the sitting of the disciplinary college, if the college deems it necessary.

170. Regarding the system of execution of the court decisions, it was reformed by the institution of the system of private enforcement officers. (LAW No. 113 of 17.06.2010). Thus, the law regulates the status, tasks, responsibilities of the enforcement officers, as well as the way of professional organization and self-management.

171. The enforcement officers perform an activity of public interest, and they are entrusted by the State with competences for the execution of court decisions. The enforcement officer performed a liberal activity which does not represent a profit activity, and the main goal of appointing them in the office is the execution of court decisions.

172. With a view to implement adequately the Law No. 113 on the enforcement officers and the Law No. 143 on the amendment and completion of the Enforcement Code, The Ministry of Justice has elaborated the Draft Law on the modification and completion of certain legislative documents, by which draft amends a series of related laws in the given sphere (Civil procedure Code, Criminal Procedure Code, Administrative Code, Fiscal Code, etc.). That draft law was coordinated according to the established procedure with the concerned authorities and shall be transmitted to the Government for approval.

173. Additionally, by order of the MoJ, the Regulations No. 9 of January 18, 2011 was approved on the conditions of admission as a probationer enforcement officer and conditions of passing the probation and the Regulations on the activity of the Disciplinary college of enforcement officers No. 75 of March 9, 2011.

F. Freedom of religion and belief (art. 18)

174. As a result of broad consultations with the civil society the draft Law regarding the modification and completion of Law No. 125-XVI of 11 May 2007 on religious cults and their components was compiled and adopted by the Parliament in final reading on 21 December 2011, changing its name to Law on freedom of conscience, thought and religion, in order to bridge the gap between the name and purpose of the Law. Other amendments adopted as a result of broad consultations with the civil society, including religious communities, have the purpose of reaffirming the commitment of the state to warrant equality and non-discrimination of all religious communities. The state recognizes a priori all religions and does not expose its position as to the legitimacy of religions, this being also prohibited by law. In this sense, the only action under the mandate of the Ministry of Justice is to register religious communities that intend to possess legal personality. If previously a term of 15 days was envisaged for registration, the new provisions extend this term to 30 days, in line with the request of most religious communities. The registration procedure of religious communities is regulated by the current legislation, being transparent and common to all religious entities. If previously a term of 15 days was envisaged for registration, the new provisions extend this term to 30 days, in line with the request of most religious communities. Besides that, for contributing to the facilitation of the registration procedure, the Ministry of Justice has elaborated a series of patterns of documents, available on the website www.justice.gov.md, menu "Noncommercial organizations". During a series of consultations with the civil society, they have stated that the procedure of registration is acceptable.

175. On September 6, 2011, the MoJ in partnership with the United Nations Development Program in the Republic of Moldova performed a round table on topic "Freedom of Conscience, Thought and Religion – Relevancy and Perspectives of Regulation", with the participation of Mr. Heiner Bielefeldt, Special Rapporteur of the United Nations on freedom of religion or belief, and of the representatives of the civil society.

176. In March 2011, the MoJ has registered the Islamic League of the Republic of Moldova. As a consequence, the Muslim worship was included in the State Register of non-commercial organizations.

177. Taking into consideration that on May 12, 2009, The European Court of Human Rights pronounced the decision Maşaev vs. Moldova (application No. 6303/05), the Administrative Code was amended[3] regarding the restriction of the right to freedom of conscience and religion to those who participate at the religious rituals of the non-registered worships. Not to allow the adoption of a norm which would be contrary to the decision Maşaev vs. Moldova, when adopting the new Administrative Code[4], its Article 54 stipulates that "The impeding of the freedom to belong or not to belong to a certain religion, to have or not to have certain convictions, to change the religion or convictions, to practice the religion or convictions individually or jointly, publicly or in private, by teaching, religious practices, worship practices, and by fulfilling the rituals" shall be punished.

G. Freedom of opinion and expression (art. 19)

178. In February 2011, the Law on the destatization of the periodical publications came into force. This law is another important achievement of the national mass-media organizations. The law obliges the public authorities to destatize the newspapers financed from public money, encouraging a fair competition in the sphere of the printed media.

179. In June 2010, the rules on reflecting the electoral campaign in the printed media were modified, having the objective of releasing the activity of the radio-broadcasters in the electoral campaign. During the last electoral campaigns, in the concordance with the engagements assumed towards OSCE, European Council was noticed.

180. In April 2011, a new Deontological Code for the journalists came into force, elaborated by the Press Council.

H. Freedom of circulation, marriage, family and measures for the protection of the minors (arts. 12, 23, and 24)

181. The implementation of inclusive education models conditioned the decrease in the number of children with disabilities in residential institutions and the increase in the number of children with disabilities included in general education cycle. The Ministry of Education in partnership with NGOs working in the field of disability, has piloted inclusive education models in 20 rayons of the country. Thus, only during the 2011-2012 academic year, approximately 1604 children with special educational needs, including with disabilities, received support services within 291 general education institutions. During 2007-2012 – 11 residential institutions have been closed. The Framework Plan to transform the residential child care system for the period 2012-2015 provides for reorganization of 22 residential institutions. The Program for inclusive education for 2011-2020 (currently under implementation) places inclusive education to the rank of educational priorities, and foresees the provision of conditions for inclusion of children disinstitutionalized from the residential education and enrollment and inclusion of children with special needs in general schools. The Initial Report on implementation of the CRPD is available for details and statistics.

182. For the standardization of activity of the staff employed in the social assistance system, the Guidelines of practical application on: Case management, System of prevention of separation of the child from the family, Community mobilization, mechanism of referral

[3] In force till May 31, 2009.
[4] In force from May 31, 2009.

of the case in the social service system and Mechanism of professional supervision in social assistance. According to the provisions of the Action plan on the reform of the residential child care system, the necessary actions were taken to develop the social services addressed to the families with children in difficult situations, each of these services having a positive dynamics

183. Thus, currently 206 professional parental assistants are working in the Republic of Moldova, who have 314 children in placement; eighty four children's homes, in which 346 children are placed; as well as twenty six temporary placement centers for children in risk situation and for children with disabilities, in which around 1000 children are placed. At the same time, at a community level, seventy five community centers are functional, and 9000 children benefit from their services; thirty nine day centers for children in risk situation with approximately 4400 beneficiaries, including fourteen centers are rendering services also to the children with disabilities, and for the purpose of preventing children being abandoned, a productive activity is performed in ten Maternal Centers, which rendered in 2012.

184. For the purpose of developing the system of social services alternative to the placement in institutions of a residential type and ensuring the quality of these services, the Ministry has elaborated and promoted approval of the normative framework, which is necessary for:

- Community social assistance service
- Professional parental social assistance service
- Family type children's homes
- Maternal centers
- Day centers and placement centers for children in risk situation
- Day centers and placement centers for children with disabilities
- Communitarian houses for children in risk situation
- Centers for rehabilitation of the victims of family violence
- Centers of assistance and protection of the victims of human trafficking.

185. Additionally, among the last reforms of the aspect of development of the normative framework in the sphere of social services, the approval of the Social Service Nomenclature, which determines the national framework for the rendering and development of the social assistance services, as well as the adoption of the Law on the accreditation of the persons rendering social, the implementation of which represents, starting with 2013, a viable mechanism of assessment of the quality of rendered social services and ensuring the rights of the beneficiaries.

186. For the purpose of consolidating the abilities of the specialists working in the sphere of social protection of the children with the Ministry, with the support of the international donors and in partnership with the international and NGOs, organized two cycles of initial training and one cycle of continuous training of all communitarian social assistants, as well as one series of thematic training for all employees in the territorial social assistance structures, social service managers, professional parental assistants and parents, educators. For the purpose of ensuring minimal guaranteed income to the poor families, the reform of the social works system was performed, among the effects of which we can mention also the prevention of separation of the children from the family due to the poverty, as more than 70% of the beneficiaries of social aid were families with children.

187. Certain programs of support of the orphan pupils and students with a view to satisfying their needs to learn and to their encouraging to continue their studies in the secondary professional, secondary specialty or higher education, the norms of expenses for

the payment of indemnification and material aids for the orphan pupils and for those under tutorship/guardianship who are continuing their studies.

188. The reform of the residential system of care of the children at risk, who shall be separated from their parents and placed in a care service so that, along with the development of the alternative services of protection of the children, a very important realization in the process of development of the child protection system resides in the activity in each district and municipality of the Commission for the protection of the child in difficult situations, representing the basic element in the process of prevention of the unjustified placement of children in the residential care system.

189. For the consolidation of capacities of the members of the Commissions for the protection of the child in need, the Training Support and the National Training Curriculum were approved. For the purpose of optimizing the activity of the Commissions, the Ministry tested and approved the mechanism of monitoring and assessment of their activity, ensuring the systematic collection of realistic information at a communitarian, district and national level on the needs of development of the social services for their families with children and children in difficulty, so as to make possible a more efficient planning of the necessary human resources and material resources for the qualitative improvement of the situation of the children in need.

190. At the same time, we mention that starting with 2010 the reform was launched in the sphere of protection of the persons with disabilities, initiated at the same time with the ratification of the UN Convention on the rights of the persons with disabilities, establishing a new concept of approach of the persons with disabilities not only from the point of view of social protection and state of health, but first of all from the point of view of human rights and social inclusion.

191. For the purpose of bringing the national normative framework into conformity with the provisions of the Convention, the following were promoted: Strategy of social inclusion of the persons with disabilities; Law on social inclusion of the persons with disabilities. In this context we mention that in July 27, 2012, the Law No. 60-XIX of March 30, 2012 on social inclusion of the persons with disabilities was published in the official Monitor No. 155-159, article 508, and was enforced.

192. The present Law aims to regulate the social inclusion of the persons with disabilities, based on the observance of the human rights and fundamental freedoms, and regulates the rights of the persons with disabilities with a view on their social inclusion. It also guarantees possibilities for participation in all spheres of life, without any discrimination, along with the other society members.

193. At the same time we mention that the Law on social inclusion of the persons with disabilities provides also the development of social services in accordance with the European and international standards, thus, by Government Decision No. 711 of August 9, 2010, the Framework Regulations and the Minimal quality standards for the social service "Protected domicile" were approved. This service provides for the placement in one house of the adults with light mental disabilities with full capability, which do not have a house or which need the improvement of their living conditions and which, with periodical support, may have an independent life in the community.

194. In practical terms, the Protected Domicile service contributes to the support of the persons with mental disabilities to allow them to live in the community, to present institutionalization, to improve the quality of life of these persons and their social inclusion.

195. By Government Decision No. 936 of October 8, 2010, the Framework Regulations were approved on the organization and functioning of the social service "Communitarian House" and the minimal quality standards; this is a special service, meant for the persons with mental disabilities which need continuous ensuring of their minimal conditions of

existence, protection, case and assistance in order to develop and to be included in the community.

196. By Government Decision No. 722 of 22.09.2011 a the "Framework Regulations of organization and functioning of the social service Mobile Team and the Minimal Quality Standards" was approved. The "Mobile Team" social service is a specialized service, meant for the persons with disabilities, which offers social assistance and support at home to the beneficiary, based on its identified needs, as well as counseling and support to the persons implied in the process of inclusion of the beneficiary.

197. By Government Decision No. 314 of May 23, 2012 the "Framework Regulations of organization and functioning of the social service 'Personal Assistance' and Minimal Quality Standards" was approved.

198. The purpose of the social service "Personal Assistance" is to offer assistance and care to the children and adults with severe disabilities and to help them to have a life as independent as possible in their own house and in their community. The development of this type of service shall also contribute to the improvement of measures for the social protection of the family member ensuring the case of the persons with severe disabilities, and facing, for this reason, various difficulties, including in relation to the impossibility of being employed and to pay the social and medical insurance contributions. For 2013 financial funds were approved in the state budged in the amount of 4800.8 thousand MDL for the employment of 179 units of personal assistants.

199. At the same time, the local public authorities may also employ personal assistant from their own funds. We also inform that, by Government Decision No. 413 of July 14, 2012, the "Framework Regulations of organization and functioning of the social service 'Respiro' and Minimal Quality Standards" was approved.

200. The specialized social service "Respiro" offers assistance during 24 hours to the persons with severe disabilities for a period of not more than thirty days per year, during which time the families, relatives or persons taking care of them are benefiting for a period of rest.

201. Additionally, we inform that at the level of local public administration authorities, 112 communitarian services of support for the persons with disabilities were created and are operating (56 were created In 2012) including with the support of the Inclusive Community – Moldova project and of other donors, of which:

- Communitarian Houses (Hansca village, Ialoveni district; Mitoc village, Orhei district and Voloave village, Soroca district) where fourteen children are placed, with mental disabilities, deinstitutionalized from the Boarding house for boys of Orhei. At the same time, seven services of Communitarian House are in process of development (in the districts of: Dubăsari, Teleneşti, Nisporeni, Anenii Noi, Făleşti, Sîngerei and Ungheni)
- Three Protected Domiciles (Orhei town, Călăraşi town and Dubăsari district), for ten adults with disabilities
- Five Respiro services (in the districts of Orhei, Cimişlia, Făleşti, Ungheni and Teleneşti) offering support to nineteen children with disabilities
- Sixteen Mobile Teams, of which nine (in the districts of Ungheni, Sîngerei, Făleşti, Anenii Noi, Dubăsari, Nisporeni, Cimişlia, Bălţi and Chisinau municipalities) are already operating, and in other 7 districts (Ialoveni, Hînceşti, Leova, Orhei, Soroca, Edineţ and Teleneşti) they are at the stage of staff training
- 429 personal assistants taking care of 441 persons with severe disabilities
- Three services of Professional Parental Assistance, offering support to three children with disabilities

- Including thirty eight children with disabilities benefiting from the services of the Support Didactic Staff.

202. At the end of 2011, the ministry of Labor, Social Protection and Family started a process to reform the sphere of child protection, which had the objective the elaboration an approval of the Strategy and National Action Plan in the sphere of child and family protection. The Strategy of child and family protection for 2013-2020 represents a document of policies having the goal to develop and to increase the efficiency of the system for the protection of the families with children at risk and children in difficult situation.

203. The new strategic document is focused on a set of general objectives established in accordance with the actual situation of the families and children at risk or in difficult situation, based on the best international practices. At the same time, they ensure the synergy with other policy documents and with the policies in the sphere of child and family protection.

204. As general objectives of the strategy, the following are proposed:

- Ensuring the necessary conditions to raise and educate children in the family environment
- Preventing and fighting the abuse, negligence and exploitation of children, promotion of non-violent practices in the raising and education of children
- Conciliation of the family life with the professional activity to ensure the harmonious growth and development of the child
- Currently, the project of the Strategy is in process of public consultation with the representatives of the civil society. At the same time, for 2013 the elaboration of the National Action Plan 2013-2016 (middle-term) for the implementation of the mentioned Strategy.

205. Additionally, we mention that with a view to administering measures to protect and monitor the children remained without parental protection, the Ministry of Labor, Social Protection and Family elaborated the draft law for the special protection of the children in risk situation and of the children separated from their parents.

206. The draft law defines a series of important notions used in the child protection system, revises the activity of the tutorship authorities, proposes to grant to the mayors and territorial structures of social assistance and family protection the duties of tutorship authority, regulates the procedure of self-notification and registration of the notices on the children remained n risk situation, on the terms, specialists and authorities responsible for the issue of orders on the assessment of children's situation, granting the status and placement of children separated from their parents. The mentioned project was approved by the Parliament in June 2013 and shall be promulgated. It shall come into force starting with January 01, 2014.

207. At the same time, we mention that the Ministry of Labor, Social Protection and Family elaborated the Framework regulations on the family support service for the families with children, which shall represent a service offered to the families with children to prevent and/or overcome the risk situations with a view to ensuring the raising and education of the child in the family environment. The mentioned service provides also financial support in form of a monthly payment or lump sum for raising the child and/or for its inclusion in the educational process. The project was promoted to the Government for approval.

208. Currently, the MLPSF performs a training course, which shall consolidate the institutional and functional capacities of the local public administration authorities in the sphere of protection of child's rights. Thus, all mayors and specialists in the protection of child's rights within the Departments/Directions of social assistance and family protection in the republic shall benefit from training – approximately 2150 persons.

209. By adopting the Strategy of Reformation of the Justice Sector 2011-2016, the Republic of Moldova assumed certain engagements to ensure a correct, accessible justice system, which shall offer to the children – victims and witnesses the observance and efficient implementation of all rights, at the highest possible level. This supposes the application of a child friendly justice system – a justice system which shall be accessible, according to the age, fast, adapted to and focused on the needs and rights of the child, including on the right to a fair trial, the right to participate in the trials and to understand them the right to private life, to integrity and dignity.

210. In this context, we mention that certain amendments have been made to the Law No. 198 on the legal assistance guaranteed by the state of July 26, 2007, with a view to granting the right to legal assistance guaranteed y the state to the children – victims of offences (approved by the Government on May 5, 2013).

211. At the same time, we mention that on April 25, 2013 the Ministry of Justice finalized and published the study on the improvement of the normative framework to ensure the specialization of the persons working with children which are in contact with the justice system. That study showed that the actors implied in the work with the children shall be specialized by departmental acts at the level of each separate institution. Thus, the modification of the normative framework in this sense is not necessary.

212. At the same time, issuing from the status of the Ministry of Justice as coordinator of implementation of the Strategy of reform of the justice sector for 2011-2016, for the purpose of optimal realization of the action 6.3.2. p. 2 of the Action Plan for the implementation of the Strategy – Arrangement in the courts, prosecutor offices and police commissariats of spaces meant for granting assistance and audience to the children, according to the Order of the Ministry of Justice No. 2015 of May 22, 2013, the Inter-institutional working groups was formed, which shall elaborate the concept on the way and standards of instituting the child-friendly audience spaces and hall decided on the place where to create the rooms for children audiences, as well as the technical and procedural standards which shall be observed in the process of children audience in the premises specially arranged for that purpose. Concomitantly, it will finalize a project for the amendment of the legislation with a view to instituting a children friendly justice.